

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-41, 43-47, 49-50, 52-62, 64-93, 95-99, 101-102, and 104-114 are pending in the application.

Claims 1, 9, 13, 17, 19, 35, 44-47, 49, 50, 52, 64, 65, 69, 71, 87, 96-99, 101, 102, and 104 are sought to be amended to correct minor informalities and to define the claimed invention even more clearly. Claims 42, 51, 94, and 103 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 48, 63 and 100 were previously canceled. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

Section 4 of the Office Action rejects claims 50-51 and 102-103 under 35 U.S.C. § 101, because the claimed subject matter is allegedly directed to non-statutory subject matter. Applicant respectfully traverses.

Nevertheless, solely to expedite prosecution, claims 51 and 103 are canceled without prejudice or disclaimer of the subject matter therein. Claims 50 and 102 are further amended to overcome the above rejection. For instance, amended claim 50 recites *inter alia* that the system "includes a processor and memory" and that "each software portion can be stored in the memory and executed by the processor." Similarly,

amended claim 102 recites *inter alia* that the system "includes a processor and memory" and that "each software portion can be stored in the memory and executed by the processor."

Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw each rejection under 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 112

Section 6 of the Office Action rejects claims 42-46, 50-62, 94-98, and 101-114 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses.

With respect to claims 50-62 and 101-114 the Examiner indicated the claims were drawn to software and in particular objected to a reference in the specification to implementations in software known now or "in the future." *See*, Office Action, section 6. Applicant disagrees and submits the description provided in the specification to further include future developed software implementations is proper in this context as recited. This specification including references to future developed software implementations provides full and clear support for pertinent claims including claim elements that may be construed to include, but are not limited to, future developed software implementations. Indeed, under the well-known principle of doctrine of equivalents claims may be properly construed to cover equivalents not known at filing but developed in the future. Similarly, Applicant submit that an explicit recitation of coverage of future software implementations in a clear context such as provided in the

present specification is proper and at the very least does not render claims 50-52, 64 and 101-104 indefinite as alleged in the Office Action.

Applicant agrees with the Examiner that at least one dynamically alterable condition dependent rule can include, but is not limited to, a dynamic rule, or a dynamic rule in combination with a static rule too. Claims 42 and 94 which the Examiner interpreted as reciting a static rule only have been canceled without prejudice or disclaimer. Applicant submits claims 43 and 95 are definite since they recite, among other things, a "combination of static rules and dynamic rules," which is a consistent further limitation of the previously recited at least one dynamically alterable condition dependent rule.

Applicant further disagrees with the Examiner that the specification does not provide support for modifying the at least one dynamically alterable condition dependent rule by 'creating a rule' as recited in claims 45, 46, 97 and 98. *See*, Office Action, section 6, pg. 4. For instance, at the very least such support may be found in the claim language of these claims 45, 46, 97 and 98 as originally filed. The Examiner actually seems to be suggesting a clarification to the language to indicate the modifying of the at least one condition dependent rule involves "consulting a rule" rather than creating a rule. *See* Office Action, section 6, pg. 4. Accordingly, without acquiescing to the propriety of the rejection or disclaimer of the original subject matter, Applicant has amended claims 45, 46, 97 and 98 in light of the Examiner's suggestion.

Accordingly, for at least the above reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph of claims 42-46, 50-62, 94-98, and 101-114.

Rejections under 35 U.S.C. § 103

Section 8 of the Office Action rejects claims 1-5, 8-9, 13-17, 19, 26-28, 30, 35-39, 40-47, 49-54, 58-60, 64-69, 71, 78-80, 82, 87-91, 92-99, 101-106, and 110-112 under 35 U.S.C. § 103(e) as being anticipated by U.S. Patent No. 6,529,985 to Deianov et al. ("Deianov) in view of U.S. Patent Publication No. 2002/0091798 A1 to Joshi et al. ("Joshi"). Applicant respectfully traverses each rejection. For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections.

First, given the grounds of rejection specified, Applicant assumes the Examiner meant to recite "unpatentable under 35 U.S.C. § 103(a)" not the terms "anticipated" nor "103(e)." Also, as noted above, claims 42, 51, 94, and 103 have been canceled without prejudice or disclaimer thereto and now render their rejection moot.

Claim 1 recites, in part, "evaluating the service request based on at least one dynamically alterable condition dependent rule." In rejecting claim 1, the Examiner concedes that Deianov does not teach or suggest this feature, but claims that Joshi teaches a dynamically alterable condition dependent rule. However, Joshi does not teach or suggest that rules evaluating the service requests are dynamically alterable. In fact, Joshi appears to describe a system where different rules are chosen based on a comparison between patterns. If there is a match between patterns, then one set of rules are used to allow or deny a request. If there is no match, then a second set of rules are used to allow or deny the request. In support of this argument, Applicant refers to paragraph [0097] of Joshi, which provides that "if there is a match, then the policy's various rules are evaluated to determine whether the request should be allowed or

denied; if there is not a match, then default policy domain rules are used." Joshi gives no indication that a rule is dynamically alterable, only that the rule or rules that are to be used will differ based on the comparison between patterns.

Joshi further discloses flushing data that has become stale due to a change in the policy domain, which includes rules, or a policy stored. (See Joshi, paragraph [0237]). Here, Joshi describes a situation where rules can be changed by an administrator or a user. This may be likened to updating the virus definitions of a virus scan utility, wherein the rules are static, but not permanently stored. The rules are thus not dynamically alterable, as recited in claim 1. Consequently, independent claim 1 is patentable over Deianov in view of Joshi. Independent claims 49, 50, 52, 64, 101, 102 and 104 also recite "evaluating the service request based on at least one dynamically alterable condition dependent rule" and are patentable over Deianov in view of Joshi.

Dependent claims 2-5, 8-9, 13-17, 19, 26-28, 30, 35-39, 40-41, 43-47, 53-54, 58-60, 65-69, 71, 78-80, 82, 87-91, 92-93, 95-99, 105-106, and 110-112, are likewise patentable for at least the same reasons as the respective claims from which they depend and further in view of their own features.

Accordingly, for at the above reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of independent claims 1, 49, 50, 52, 64, 101, 102 and 104, and corresponding dependent claims 2-5, 8-9, 13-17, 19, 26-28, 30, 35-39, 40-41, 43-47, 53-54, 58-60, 65-69, 71, 78-80, 82, 87-91, 92-93, 95-99, 105-106, and 110-112.

Section 9 of the Office Action rejects claims 6-7 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi further in view of Admitted

Prior Art (APA). Applicant respectfully traverses each of the rejections made with respect alleged APA.

Claims 6-7 and 10-12 ultimately depend from independent claim 1. Even assuming, *arguendo*, that the alleged APA relied upon in section 9 of the Office Action constitutes prior art and may be combined with Deianov and Joshi, this alleged APA still does not overcome all of the deficiencies of Deianov and Joshi relative to claim 1, described above. For at least these reasons, and further in view of their own respective features, claims 6-7 and 10-12 are patentable over Deianov, Joshi, and APA, taken alone or in combination. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 6-7 and 10-12 as set forth in section 9 of the Office Action.

Section 10 of the Office Action rejects claims 20-23, 31-32, 55, 72-75, 83-84, and 107 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi further in view of U.S. Patent No. 6,587,888 to Chieu et al. ("Chieu"). For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections.

Claims 20-23 and 31-32 depend ultimately from independent claim 1, claim 55 depends ultimately from independent claim 54, claims 72-75 and 83-84 depend ultimately from independent claim 64, and claim 107 depends ultimately from independent claim 104. Contrary to the assertion of the Examiner, Chieu does not overcome all of the deficiencies of Deianov and Joshi relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in view of their own respective features, claims 20-23, 31-32, 55, 72-75, 83-84, and 107 are patentable over

the combination of Deianov, Joshi, and Chieu. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 20-23, 31-32, 55, 72-75, 83-84, and 107 as set forth in section 10 of the Office Action.

Section 11 of the Office Action rejects claims 18, 29, 61, 70, 81, and 113 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi and Chieu further in view of U.S. Patent No. 5,764,985 to Smale ("Smale"). For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections.

Claims 18 and 29 depend ultimately from independent claim 1, claim 61 depends ultimately from independent claim 54, claims 70 and 81 depend ultimately from independent claim 64, and claim 113 depends ultimately from independent claim 104. Smale does not overcome all of the deficiencies of Deianov, Joshi, and Chieu relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in view of their own respective features, claims 18, 29, 61, 70, 81, and 113 are patentable over the combination of Deianov, Joshi, Chieu, and Smale. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 18, 29, 61, 70, 81, and 113 as set forth in section 11 of the Office Action.

Section 12 of the Office Action rejects claims 24-25, 56-57, 76-77, and 108-109 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi further in view of U.S. Patent No. 5,537,548 to Fin ("Fin"). For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection.

Claims 24-25 depend ultimately from independent claim 1, claims 56-57 depend ultimately from independent claim 54, claims 76-77 depend ultimately from independent

claim 64, and claims 108-109 depend ultimately from independent claim 104. Fin does not overcome all of the deficiencies of Deianov and Joshi relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in view of their own respective features, claims 24-25, 56-57, 76-77, and 108-109 are patentable over the combination of Deianov, Joshi, and Fin. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 24-25, 56-57, 76-77, and 108-109 as set forth in section 12 of the Office Action.

Section 13 of the Office Action rejects claims 33-34, 62, 85-86, and 114 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi further in view Smale. For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection.

Claims 33-34 depend ultimately from independent claim 1, claim 62 depends ultimately from independent claim 54, claims 85-86 depend ultimately from independent claim 64, and claim 114 depends ultimately from independent claim 104. Smale does not overcome all of the deficiencies of Deianov and Joshi relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in view of their own respective features, claims 33-34, 62, 85-86, and 114 are patentable over the combination of Deianov, Joshi, and Smale. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 33-34, 62, 85-86, and 114 as set forth in section 13 of the Office Action.

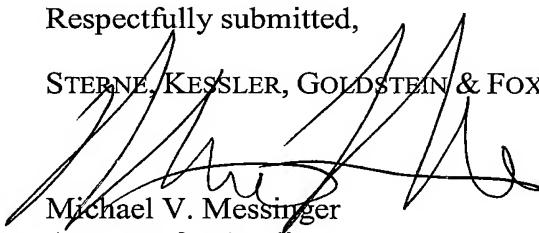
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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